

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

UNITED STATES OF AMERICA,

v.

RICCARDO PAOLO SPAGNI,

Defendant.

Case No. 3:21-mj-04149

Magistrate Judge Alistair E. Newbern

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**ORDER**

Riccardo Paolo Spagni was arrested pursuant to a complaint and warrant for provisional arrest with a view towards extradition under 18 U.S.C. § 3184 on July 21, 2021. Following an evidentiary hearing on the United States' motion for detention (Doc. No. 3), Spagni has been detained since that date (Doc. No. 17). The Extradition Treaty Between the Government of the United States of America and the Government of the Republic of South Africa, U.S.-S. Afr., Sept. 16, 1999, T.I.A.S. No. 13060 art. 13.4, provides that "[a] person who is provisionally arrested may be discharged from custody upon the expiration of sixty (60) days from the date of provisional arrest pursuant to this Treaty if the executive authority of the Requested State has not received the documents required [from the Requesting State.]" The required documents have not been received by the U.S. State Department as of September 20, 2021, which is the sixty-first day of Spagni's detention.

"Extradition proceedings are limited and deadlines are established which should technically not require the extraditee to be detained beyond these limited timeframes and statutory timing requirements." *In re Extradition of Blasko*, No. 117MC00067DADSAB, 2019 WL 498986, at \*4 n.3 (E.D. Cal. Feb. 8, 2019). The Court announced its intent to order Spagni released if the

United States had not received the required documents from the South African government by today's date. (Doc. No. 17.) In the absence of good cause why the documents have not been provided within the prescribed timeframe, the Court will order Spagni released subject to the following conditions:

1. Spagni must not violate any federal, state, or local law while on release.
2. Spagni must establish a residence in the Middle District of Tennessee and provide that address to Pretrial Services within 24 hours of his release. Spagni must advise Pretrial Services in writing before making any change of his residence or telephone number.
3. Spagni must appear in court as required and must surrender as directed if ordered to be extradited to South Africa.
4. Spagni shall report to the Pretrial Services Office at the U.S. Courthouse, 801 Broadway, Seventh Floor, Nashville, Tennessee, at 9:00 a.m. on September 21, 2021. He shall report for supervision after that date as directed by Pretrial Services.
5. Spagni shall surrender all passports to his counsel, who will provide the passports to Pretrial Services. Pretrial Services shall maintain the passports locally pending further order of the Court.
6. Spagni shall not obtain any new passports or other international travel documents.
7. Spagni's travel is limited to the Middle District of Tennessee unless approved in advance by Pretrial Services.
8. Spagni shall participate in stand-alone GPS location monitoring. He will have no residential curfew, home detention, or home incarceration restrictions. However, he must comply with the location or travel restrictions imposed by the Court.

9. Spagni shall submit to GPS location monitoring and comply with all requirements as directed. GPS monitoring shall be placed as soon as practicable after Spagni's release.
10. Spagni shall pay all or part of the cost of location monitoring based upon his ability to pay as determined by Pretrial Services.
11. Spagni shall report any contact with law enforcement personnel, including arrests, questioning, or traffic stops, to Pretrial Services within 48 hours of the event.

Spagni is advised that violating any of these conditions of release may result in the issuance of a warrant for his arrest, a revocation of his release, an order of detention pending further proceedings, and a prosecution for contempt of court and could result in imprisonment, a fine, or both. If, after release, Spagni knowingly fails to appear as the conditions of release require, or to surrender to be extradited, he may be prosecuted for failing to appear and additional punishment may be imposed.

The Marshals Service is ORDERED to release Spagni after processing.

It is so ORDERED.

  
ALISTAIRE. NEWBERN  
United States Magistrate Judge

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender if required. I am aware of the penalties and sanctions set forth above.

  
RICCARDO PAOLO SPAGNI